

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SHIMIZU *et al.*

Appl. No.: 10/776,604

Filed: February 12, 2004

For: **Isolated DNA or Gene Responsible for
Parkinson's Disease**

Confirmation No.: 3951

Art Unit: 1633

Examiner: Janet L. Epps Ford

Atty. Docket: 0652.2110001/JUK/KPQ

Reply to Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated September 21, 2006, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group III, represented by claims 78-79. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **with** traverse. According to M.P.E.P. Section 803: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." M.P.E.P. § 803 at 800-4. The claims are all directed to methods comprising the use of genes associated with Parkinson's disease. As stated at paragraph 6 on page 2 of Applicants' specification, SEQ ID NO:3 (recited in Group II and Group III claims) is a variant of SEQ ID NO:1 (recited in Group I and Group III claims) that does not include a base portion 636 to 719 (corresponding to exon 5) of SEQ ID NO:1. The sequences recited in claim 62 are all primers or probes for use in detecting a base sequence of SEQ ID NO:1 or SEQ ID NO:3 (see paragraph 21, pp. 7-10, and paragraph 91, p. 25 of the specification). Applicants submit that the search of

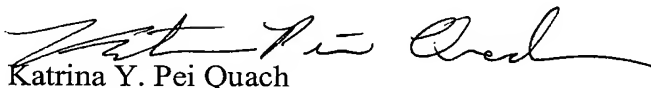
Groups I, II, and III would not impose any serious burden upon the Examiner because a search concerning the patentability of the invention of one group is likely to uncover art of interest to the other group. This is also evidenced by the fact that Groups I and II share an identical classification (the Examiner did not indicate the classification of Group III).

For the above reasons, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: November 21, 2006

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